Speech by

Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Wednesday, 7 October 2009

CRIMINAL CODE (HONESTY AND INTEGRITY IN PARLIAMENT) AMENDMENT BILL

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (7.35 pm): For students of history and *Hansard*, let me apologise if this all sounds very familiar. However, we can all be forgiven for being overcome with a sad sense of deja vu this evening. Although this bill has a new title, it is identical to a bill proposed by the then opposition in August last year. Excluding a new title, not a single, solitary word has changed in the bill. But this is perhaps quite appropriate, given that the position at law across Australia has not changed, the position in the United Kingdom has not changed and, most distressingly, the fundamental flaws in the LNP's arguments have not changed.

None of this should be cause for surprise because the LNP is not a political party open to change. The LNP is, as is becoming increasingly obvious to those of us in the 53rd Queensland Parliament, a party that is fundamentally reactionary in its approach to issues of public policy. If, after 12 months, the best the LNP policy tumbleweed can achieve is a trip back to failure and the best the LNP bankroll can afford is a photocopier, then all that can be said is that those opposite have yet again demonstrated they are unfit to govern Queensland. All of this has occurred in the very first bill that the member for Surfers Paradise has introduced in this parliament as the current Leader of the Opposition. There is no innovation, no policy direction, no policy ideas, no vision for Queensland—just five pages of photocopying to reproduce a historical anomaly that will assist the people of Queensland not one iota.

Let me assure the House that the government will be opposing this bill. In 2006 the Criminal Code was amended in this place to remove section 57. The bill before the House seeks to reinstate that provision of the code and, in doing so, opens members and nonmembers who come before this parliament to give evidence to criminal prosecution in Queensland courts. I acknowledge those members of the parliament from this side of the House who have stood in this parliament and in previous parliaments and have made these arguments before me, for I will cover much of the same ground. The issue, I am afraid, is not a complex one, but it is one that those opposite seem completely incapable, or are deliberately unwilling, to understand. The Parliament of Queensland Act 2001, at section 8, is very clear. It states—

(1) The freedom of speech and debates or proceedings in the Assembly can not be impeached or questioned in any court or place out of the Assembly.

(2) To remove doubt, it is declared that subsection (1) is intended to have the same effect as article 9 of the Bill of Rights (1688) had in relation to the Assembly immediately before the commencement of the subsection.

In turn, article 9 of the UK Bill of Rights states in near identical terms—

The freedom of speech in debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

This principle forms a central pillar of Westminster democracy and the Westminster system of government that those on this side of the House, at the very least, believe is worth protecting. So much for the political opportunists opposite who so readily cloak themselves in the conservatism and traditions of Westminster parliamentary democracy, but only of course when it suits their selfish political purposes, not the political strength of the people of Queensland.

The question before the House is, therefore, very straightforward: do members believe in the primacy of the parliament and the principles set out in the Parliament of Queensland Act? If the answer to that is yes then the reintroduction of section 57 is quite simply untenable. It is inconsistent with the primacy of the parliament and, in being so, threatens to stifle debate and expose to criminal sanction those who may be legitimately called before this House to assist in the robust and passionate debate that the people of Queensland deserve.

It also has the potential to drag the courts into the political debate that most appropriately should remain the province of the parliament. This question has previously been answered by the parliament in the affirmative—not only in 2008 when the original of this photocopied bill was rejected, not only in 2006 when the section was removed but also in 1995 when the Criminal Code was reviewed and redrafted.

As members will remember, this code was passed by the parliament and given royal assent but never proclaimed due to the change in government. This is the same question that the voters of Queensland have been able to consider at two elections and that has been twice rejected. So much for respect for democracy. So much for respect for the Queensland people. So much for respect for the outcome of elections. We have seen since the election of this parliament the robust affirmation by those members opposite to reject the decisions of the Queensland people. They have rejected consistently the decisions the Queensland people have made to re-elect this Labor government, much to their shame. The position of the opposition has been rejected on successive occasions.

How has this question been answered in other houses of parliament across the country? As has been noted previously, there is not a parliament in this country where this provision exists as the opposition would have it exist here. Neither the Commonwealth House of Representatives nor the Australian Senate are subject to a criminal offence, preferring instead to adopt the accepted sanction of a contempt enforced by the parliament. In New South Wales there is no provision that seeks to subject members of the parliament to a criminal sanction for giving false evidence. Similarly, in South Australia members of the parliament are not subject to criminal sanction for perjury before the parliament, while in Western Australia the law has been interpreted to also not apply to members of the parliament. Finally, in Tasmania, where the Queensland code has been largely replicated, section 57 has simply been omitted.

From the mother of all parliaments in the United Kingdom to the parliaments of this country, the proposal suggested by the opposition has been rejected. It has been rejected because it is in open conflict with the principle that the parliament is, and should always be, the guardian of its own affairs. This chamber is intended to be a place of debate—debate carried out frankly with vigour and with passion. It is where the ideas that will shape the future of our state are proposed and discussed, where all Queenslanders can find a voice through their local member, and where difficult issues can be addressed, attacked, defended and ultimately determined. This is a place that, by its very nature, must ask questions of all who are called to enter and those questions must be met with answers that are robust.

As these debates progress, parliament is not helpless, unable to act in the face of deceit or slight of character. Contempt of this parliament can and has been punished by the parliament—not by the courts and certainly not on indictment by the Attorney-General or the Director of Public Prosecutions. The Liberal National Party would have the Queensland public believe that the removal of this provision somehow promotes 'lying' in parliament; that it diminishes the integrity of this House and its members. Honourable members, do not be fooled. It is one of the most disingenuous and misguided arguments ever to be prosecuted through this chamber.

Did the previous existence of this provision stop the former deputy leader of the coalition, Joan Sheldon, from making deliberately incorrect statements in this House on 9 October 1997? No, it did not. Did the existence of this provision stop the former coalition member for Ipswich, Jack Paff, from making deliberately misleading statements in a tabled document on 16 September 1999? No, it did not. Did the existence of this provision stop the current member for Callide from misleading this House through what the press dubbed a 'tactical lie' on 9 April 2002? No, it did not.

The opposition's record on these matters reached a new low this year when the federal Leader of the Liberal Party—or the leader of some part of the Liberal Party that he proposes to lead—Malcolm Turnbull, used fraudulent information to embark on a deliberate and dedicated attack on the Prime Minister, Kevin Rudd, and the federal Treasurer, Wayne Swan, following evidence given by a Commonwealth public servant, Mr Godwin Grech, before a committee of the Australian Senate. I would express my sympathy towards Mr Grech, who is unwell and who was clearly used and abused by the federal counterparts of those members opposite for their own base political purposes. But all Australians know—and they know well—that he was aided, abetted and encouraged to embark on the course of conduct that he did by the federal coalition leadership including the federal opposition leader, Malcolm Turnbull. If members opposite are genuine in their motives, I look forward, as do all members on this side of the House, to them moving changes to their state and national platforms to ensure the conduct they seek to criminalise at the state level in this parliament is also criminalised at the Commonwealth level so that Mr Turnbull can be prosecuted for his conduct in using false information in questions asked in the House of Representatives.

A government member: It won't happen.

Mr DICK: I am sure those of us on this side of the House will be waiting in vain. If the opposition were sincere about this proposal, however misguided it may be, its proposal would amount to more than $1.40 in photocopying their last failure, but it would apply the criminal sanction to all parliamentary debates and not simply to committee and evidentiary hearings. But they have not. Yes, it would be bad policy but at least it would be sincere, honest and consistent bad policy. It speaks volumes of the LNP that their fundamental policy is not only unsound and unnecessary but also insincere and nothing more than a political stunt, aimed at obfuscating the bottomless well of inadequacy that lies at the heart of those members opposite.

The LNP's apparent desire to bring this issue back to the parliament once again is not borne out of some newly discovered moral indignation at dishonesty; it is borne of a fundamental inability to understand the law, the constitutional systems of our state, an unwillingness to understand the role of parliament and a fundamental lack of policy direction and leadership to address the very real issues that all Queenslanders face. I encourage all members of the House to oppose this misguided, improper and incorrect bill.